

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TRAVODA D. JAGNE

v.

EURO MOTORCARS, INC.

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Civil No. – JFM-11-552

MEMORANDUM

Plaintiff has instituted this *pro se* action for employment discrimination. Defendant has filed a motion to dismiss or for summary judgment. The motion will be treated as one to dismiss and, as such, will be granted.¹

Plaintiff has failed to state a claim under Title VII of the Civil Rights Act of 1964 for race discrimination because he has not alleged any facts to demonstrate that he is a member of a protected class, that his job performance was satisfactory, or that he was treated differently from similarly situated employees not in the protected class. Likewise, he has not stated a claim under the Rehabilitation Act because that Act applies only to persons employed in any program receiving federal financial assistance or where the defendant is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. Plaintiff has made no allegations that defendant falls into either of these categories. In fact, defendant is a privately owned automotive dealership that sells and services new and pre-owned

¹ Among the reasons that defendant has moved to dismiss the complaint is that it has been improperly served. Defendant is correct that service was improper because plaintiff did not send the summons and complaint to defendant's "resident agent, president, secretary, or treasurer" as required by Maryland Rule 2-124(d). However, in light of plaintiff's *pro se* status and in light of the additional fact that defendant received a copy of the complaint and forwarded it to counsel, I will not grant defendant's motion upon that basis.

automobiles.

Finally, plaintiff has not stated any claim under the Americans with Disabilities Act because he has not alleged any facts to demonstrate that he is a “qualified individual with a disability” or that he was regarded to be such by defendant.

A separate order of dismissal is being entered herewith.

Date: June 29, 2011

/s/
J. Frederick Motz
United States District Judge

